



3-23-01

DAC

Docket No. 003184078

PATENT

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Sheryl BEHAR, Carol LEWBELL-GRAY and Cheryl CUNHA
Serial No. : 09/469,993 Examiner : Not Yet Assigned
Filed : December 22, 1999 Art Unit : Not Yet Assigned
For : **METHOD AND SYSTEM FOR AWARDED REBATES BASED
ON CREDIT CARD USAGE TO CREDIT CARD HOLDERS**

March 22, 2001

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a) TO
MAKE APPLICATION WITHOUT SIGNATURES OF ALL CO-INVENTORS**

Assistant Commissioner for Patents
BOX DAC
Washington, D.C. 20231

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BY FACSIMILE TRANSMITTAL: (703) 308-6916

OFFICE OF PETITIONS

ATTN. WAN LAYMON

SPECIAL PROGRAM LAW OFFICE

Sir:

Applicants respectfully request reconsideration of the Decision Refusing Status Under 37 CFR 1.47(a), mailed September 25, 2000, dismissing Applicants' Petition under 37 CFR 1.47(a), filed July 11, 2000. This Request for Reconsideration is accompanied by a copy of Applicants' Four Month Petition for Extension of Time for Responding, which, along with the appropriate fee, is being mailed by Express Mail (EL416700426US) to the Patent Office today, and is thus submitted within the period set for reply as extended.

Applicants' Petition was dismissed solely because the Petitions Examiner found that while the evidence showed that the nonsigning inventor was presented with a declaration, which she refused to sign, there was no evidence that the nonsigning inventor was also presented with a copy of the entire application papers (specification, claims and drawings) along with the declaration.

CERTIFICATE OF MAILING / TRANSMISSION (37 CFR 1.8a and 1.10)

I hereby certify that, on [Date] March 22, 2001, this paper / correspondence / fee is being:

☐ Deposited with the United States Postal Service in an envelope addressed to *The Assistant Commissioner for Patents, Washington, D.C. 20231*; either ☐ with sufficient postage as first class mail (37 CFR 1.8a) or ☐ as "Express Mail Post Office to Addressee" Mailing Label No. _____ (37 CFR 1.10).

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[Type or print name of person certifying]

PHILIP A. GILMAN, ESQ. - REG. NO. 38,160

[Signature]

Philip A. Gilman

PB

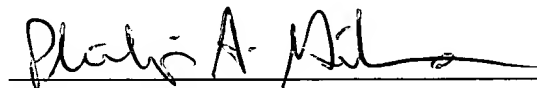
On January 18, 200¹, at around 4:30pm, the undersigned attorney personally presented the nonsigning inventor, Carol Lewbell-Gray, at her office at 9 East 40th Street, New York, NY, a copy of the entire application papers (specification, claims and drawings) and the declaration, and asked her if she would review the application to confirm it was for her invention and sign the declaration. A copy of these papers including the declaration was also sent to her current residence at 300 East 74th Street, New York, NY. Shortly thereafter, the nonsigning inventor indicated orally to the undersigned attorney that she still refused to sign the declaration. A copy of the transmittal letter to Carol Lewbell-Gray is attached.

In light of the above facts, the Applicants respectfully submit that the nonsigning inventor refuses to sign the declaration after having been presented with the application papers including the specification, claims and drawings and the declaration. Since all of the other requirements for a grantable petition under 37 CFR 1.47(a) have been provided by Applicants' Petition, favorable reconsideration leading to a reversal of the Decision and granting of Applicants' Petition is respectfully requested.

The Petitions Officer is respectfully requested to contact Applicants' attorney at the telephone number listed below should there be additional information or requirements needed in order to favorably grant Applicants' Petition.

No fee is believed to be necessary in connection with the filing of this Request for Reconsideration. However, if any fee is required, the Commissioner is hereby authorized to charge such fee to attorney's Deposit Account No. 50-0540.

Respectfully submitted,



Philip A. Gilman

Reg. No. 38,160

KRAMER LEVIN NAFTALIS & FRANKEL LLP

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EUROPEAN OFFICE
47, AVENUE HOCHÉ
75008 PARIS
FRANCE

January 18, 2001

BY HAND AND EXPRESS MAIL

Ms. Carol Lewbell-Gray
300 East 74th Street
New York, NY 10021

Re: U.S. Patent Application Serial No. 09/469,993
**METHOD AND SYSTEM FOR AWARDED
REBATES BASED ON CREDIT CARD USAGE TO
CREDIT CARD HOLDERS**
Filing Date: December 22, 1999
Our Client/Matter No. 03184/0006

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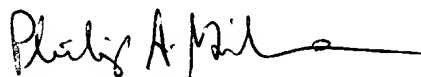
Dear Ms. Lewbell-Gray:

Enclosed is a copy of the above-referenced patent application as filed including an attached Declaration, Power of Attorney and Petition (the "Declaration"). The Declaration is to be signed by all of the inventors of the application, including you, but to date we have not yet received your executed copy. For your convenience, I enclose an extra copy of the Declaration for your signature.

I also enclose a copy of the Patent and Confidential Information Agreement Form (the "Agreement"), which you signed on July 3, 1995. According to the last paragraph, the Agreement obliges you to disclose and assign to Citibank any inventions made or conceived by you arising out of your employment with Citibank, and sign any related papers, including the enclosed Declaration. In light of this Agreement, please let me know if you still refuse to sign the Declaration.

If you have any questions or comments with regard to the above, please do not hesitate to inquire.

Sincerely,


Philip A. Gilman

PAG/dms
Enclosure

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In consideration of my position and employment with Citicorp or its subsidiaries or affiliates, I agree to keep confidential and not divulge to others during the course of my employment, technical and confidential information and data regarding the business of Citicorp or its subsidiaries or affiliates, including methods, systems, business plans or marketing programs and strategies, and other confidential information or proprietary information. Furthermore, I agree to keep confidential the confidential information of Citicorp's customers, clients, and vendors. In the event that my employment with Citicorp is terminated, I agree not to divulge or use such confidential information, and to return to Citicorp all documents and other materials owned by Citicorp.

In addition, it is understood that while employed by Citicorp, I will promptly disclose to it and assign to it my interest in any invention, improvement or discovery made or conceived by me, alone or jointly with others, which arises out of my employment with Citicorp or its subsidiaries or affiliates during the period of my employment and thereafter in connection with my employment, or legal proceeding relating to such invention, improvement or discovery, or in connection with any patent or other protection covering the same.

Print Name

Personnel Number

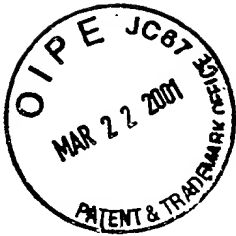
Social Security Number

Employee's Signature

Date

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Philip A. Gilman, Esq.	(212) 715-9216	March 22, 2001

To:	Fax:	Phone:
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Re: Application Serial No. 09/469,993
Filed: December 22, 1999
Applicants: Behar, et al.
Our Client/Matter No. 003184/006

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Sincerely,

Philip A. Gilman

Enc.

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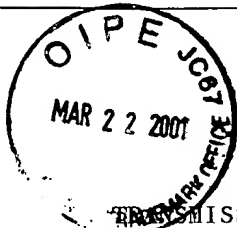
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[Type or print name of person certifying]

PHILIP A. GILMAN, ESQ. - REG. NO. 38,160

[Signature]



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